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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,699	08/01/2001	Emilio F. Chemali	27310/02	6767

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J. M. (Mark) Gilbreth  
GILBRETH & ASSOCIATES, P. C.  
P.O. Box 2428  
Bellaire, TX 77420-2428

EXAMINER

NAJJAR, SALEH

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/920,699	<b>Applicant(s)</b> CHEMALI, EMILIO F.	
	<b>Examiner</b> Saleh Najjar	<b>Art Unit</b> 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-76 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-76 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. This action is responsive to the application filed on August 1, 2001. Claims 1-76 are pending. Claims 1-76 represent system, apparatus and program for handling computer hardware/software messages.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 32 is a method claim which refers to a program product claim. Correction is requested

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6, 8-13, 15-20, 22-27, 29-32, 33-69, 71, 73, and 75 are rejected under 35 U.S.C. 102(e) as being anticipated by Barchi, U.S. Patent No. 6,507,866.

Barchi teaches the invention as claimed including a system and method for email pattern detection (see abstract).

As to claim 1, Barchi teaches a method for monitoring a computer network comprising at least two computers in communication with each other, and with each computer executing at least one software program publishing messages, method comprises:

(A) counting, starting at first time, messages published in first time period to provide first count (see figs. 1-9; col. 6, lines 35-36, Barchi discloses that messages meeting certain criteria are counted); and

( B ) comparing the first count to signaling criteria (se col. 6, line 46, Barchi discloses that a threshold value is compared with the count value).

As to claim 2, Barchi teaches the method of claim 1, ,further generating a signal dependant on the comparing (see col. 6, lines 40-45, Barchi discloses that a signal is generated to alert personnel).

As to claim 3, Barchi teaches the method of claim 2, wherein the signal comprises at least one selected from the group of a communication user in the form of an email, screen display, page, or a voice mail, a communication software program in the form of a message, an email, an API Method Call, and a communication to a hardware in the form of a Message, an API Method Call, or Simple Network Management Protocol (see col. 6, lines 45-50; col. 7, lines 1-30).

As to claim 4, Barchi teaches the method of claim 1 above wherein in step (A) only a certain criteria of messages are counted (se col. 6, lines 1-50).

As to claim 5, Barchi teaches the method of claim 1, further comprising:

counting, starting at second time different than the first time, messages published in a second time period, the same or different than the first time period, to provide a second count (see col. 8, lines 1-35, Barchi discloses that a second count is generated during a second time period); and

determining an acceleration that equal the (second count/second time period-first count/first time period/second time-first time) (see col. 8, lines 20-24, Barchi discloses that a ratio of count values are compared in different time periods). As to claim 6, Barchi teaches the method of claim 5 above, further (E) generating a signal dependant on at least one of the second count, the acceleration, and the threshold value (see col. 8, lines 20-30).

Claims 8-13, 15-20, 22-27, 29-32, and 33-59 do not teach or define any new limitations above claims 1-6 and therefore are rejected for similar reasons.

As to claim 61, Barchi teaches a method for gathering data from a computer network comprising at least two computers in communication with each other, and with each computer executing at least one software program publishing messages having a subject field, the method comprises:

A) monitoring the messages; B) if the message subject field already exists in a current listing of subjects then return to step (A); and C) if the message subject does not exist in the listing of subject, then add the message subject to the listing, and then return to step A) (see col. 6, lines 25-45; col. 8-10, Barchi discloses that the subject field of the emails is monitored and if the current subject field already exist in a monitored list then continue processing and if not then add the new subject to the list).

As to claim 62, Barchi teaches the method of claim 61 above, wherein in (A) only a certain criteria of messages are monitored (see col. 6, lines 1-20).

Claims 63-68 do not teach or define any new limitations above claims 61-62 and therefore are rejected for similar reasons.

As to claims 69, 71, 73, and 75, Barchi teaches a method, apparatus and program for gathering data from a computer network in communication with comprising at least two computers each other, and with each computer executing at least one software program publishing messages, the method comprises:

monitoring a message coming from a messaging computer; and identifying the messaging computer (see col. 6-8, Barchi discloses that the source of the message is be identified).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CAR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 3-4, 7-9, 11-13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Factor, U.S. Patent No. 6,272,523 (previously cited in an earlier office action on FORM PTO-892).

Martin teaches the invention substantially as claimed including a method and system for flexibly linking to remotely located content on a network through the use of aliases (see abstract).

As to claim 3, Martin teaches the method of claim 2, wherein the identifying step is performed at the client by a program for selecting a server.

Martin fails to teach the claimed limitation of (d) receiving at the client the program for selecting a server further comprising the step of: (e) receiving at the client a mapping table containing the logical point of access; wherein step (d) is performed during step (e); and step (e) is performed before step (a).

However, Factor teaches receiving at the client the program for selecting a server (see col. 6, lines 30-50, Factor discloses that a mapping function is downloaded to the client every time the client initially contacts a site).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Martin by specifying the program for selecting a server as taught by Factor. One would be motivated to do so to automate the address mapping functionality.

As to claims 7-9, Factor teaches the method of claim 6, wherein the server transmits the program for selecting a server to the client, wherein the server modifies the mapping table to include the server selection program, wherein the server computer modifies the mapping to include a reference to the server selection program before transmitting the mapping table to the client (see 6, lines 30-45, Factor discloses that upon each connection to a web site, a selection function in the form of a java applet is downloaded to the client for dynamically choosing the corresponding physical address).

Claims 7-9, 11-13, and 15 do not teach or define any new limitation above claims 3-4, and therefore are rejected for similar reasons.

7. Claims 7, 14, 21, 28, 70, 72, 74, and 76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barchi, U.S. Patent No. 6,507,866.

Barchi teaches the invention substantially as claimed including a system and method for email pattern detection (see abstract).

As to claims 7, 14, 21, and 28 Barchi teaches the method system and program of claims 1, 8, 15, and 22 respectively.

Barchi fails to teach the limitation of (E) predicting a future count using at least one of the first count, the second count and the acceleration. Barchi does teach that pattern recognition is performed based on historical message statistics (see col.6).

However, "Official Notice" is taken that the concept and advantages of prediction a future value based on first value, second value and their ratio is old and well known in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barchi by predicting a future count based on a first and second count and there ratio. One would be motivated to do so to generate accurate predictions for anticipated email messages.

As to claims 70, 72, 74, and 76, Barchi teaches the method, apparatus and program of claims 69, 71, 73, and 75 respectively.

Barchi fails to teach the claimed limitation of determining a message header; determine a message footer; and (iii) subtract the header and footer from the message to provide the messaging computer. Barchi does teach that any section of the message fields may be analyzed (see col. 6-8).

"Official Notice" is taken that the concept and advantages of extracting the body of the message from a text message is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Barchi by extracting the message body for forwarding. One would be motivated to do so to implement a monitoring scheme based on the message content.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (571)272-4006. The examiner can normally be reached on Monday - Friday 9:00am-6:00pm w/ first Fridays off.



Art Unit: 2157

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, flowing script.

Saleh Najjar

Primary Examiner / Art Unit 2157